

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AKUSIA EVANS,

No. 19 CV 10896-LTS-DCF

Plaintiff,

-against-

UNITED STATES DEPARTMENT OF
EDUCATION,

Defendant.

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ORDER

The Court has received the Proof of Service filed by pro se Plaintiff Akusia Evans on March 2, 2021 (Docket Entry No. 15), in response to the Court's Order dated October 6, 2020 (Docket Entry No. 10), and the Court's Order to Show Cause dated February 24, 2021 (Docket Entry No. 14). As explained in greater detail in those orders, Plaintiff had failed to effect proper service upon the United States, as required under Federal Rule of Civil Procedure 4(i), which provides that "[s]ervice on the United States entails serving both the 'United States attorney for the district where the action is brought' and the 'Attorney General of the United States at Washington, D.C.'" Carthron-Kelly v. Comm'r of Soc. Sec., No. 5:15-CV-242 (LEK) (DJS), 2017 WL 481436, at *1 n.2 (N.D.N.Y. Feb. 6, 2017) (quoting Fed. R. Civ. P. 4(i)(1)(A)). Accord Morrissey v. Wolf, 333 F.R.D. 1, 2 (D.D.C. 2019); Walker v. Donahoe, 528 F. App'x 439, 440 (6th Cir. 2013); Bos. v. Potter, 185 F. App'x 853, 854 (11th Cir. 2006).

Plaintiff's Proof of Service filed on March 2, 2021, reflects that she served the summons in this case upon the Office of the General Counsel, United States Department of Justice, via certified first-class mail, on or about January 11, 2021. (Docket Entry No. 15.) It

does not reflect that Plaintiff has served the United States attorney for the District where this action is brought (i.e., the Southern District of New York).

In light of Plaintiff's pro se status, the Court will provide Plaintiff one further extension of time to effect proper service upon Defendant under Federal Rule of Civil Procedure 4(i). To the extent Plaintiff desires assistance in ensuring her compliance with Federal Rule of Civil Procedure 4(i), Plaintiff is encouraged to contact the Pro Se Clinic of the New York Legal Assistance Group ("NYLAG"), information about which can be found on NYLAG's website: <https://www.nylag.org/pro-se-clinic/>.

If Plaintiff fails to file proof of proper and complete service upon Defendant by April 30, 2021, the Court will dismiss this case for failure to effect timely and proper service on Defendant.

Chambers will mail of a copy of this Order to Plaintiff.

SO ORDERED.

Dated: New York, New York
March 18, 2021

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge

Copy mailed to:

Akusia Evans
244 5th Ave.
#2866
New York, NY 10001